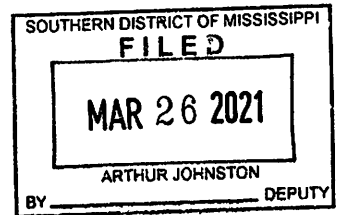


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI



RASAQ ADEROJU RAHEEM,
Movant,

V.

Criminal No. 1:14cr33-HSO-JCG-3
Civil No. 1:20cv261-HSO

UNITED STATES OF AMERICA,
Respondent.

RAHEEM REQUEST TO LEAVE AND AMEND HIS
MOTION TO VACATE UNDER FED. R. CIV. P. 15(C)(1)(C)

THE MOVANT, Rasaq Aderju Raheem, hereby Pro Se files the Request to Leave and Amend his timely filed Motion to Vacate under Fed. R. Civ. P. 15(c)(1)(c). Raheem states as follows;

(a) Invoking the Liberal Amendment Policy

Raheem avers in filing his 2255 motion, he tiled Ground 2-5 "Lacked of Jurisdiction" but was arguing "improper venue." Raheem avers because he is acting Pro Se, the Court should construe his jurisdiction argument as "improper venue." See

Martin V. Maxey, 98 F.3d 844, 847 n.4 (5th Cir. 1996)("Pro Se habeas petitioners are construed liberally and are not held to the same stringent and rigorous standards as lawyers' pleading.")

(b) Raheem's request under 15(c)(1)(c)

Under Fed. R. Civ. 15(c)(1)(c) "[a]n amendment to a pleading relates back to the date of the original pleading when ... the amendment asserts a claim ... that arose out of the conduct, transaction, or occurrence set out- or attempted to be set out in the original pleading."

Raheem is moving to amend Ground 2-5 to the following;

GROUND TWO: COUNSEL WAS INEFFECTIVE FOR FAILING TO MOVE FOR DISMISSAL OF OFFENSE COMMITTED OUTSIDE THE COURT'S VENUE

The Sixth Amendment of the U.S. Const. Speaks clearly: "In all criminal prosecutions, the accused shall enjoy ... an impartial jury of the State and District wherein the crime shall have been committed, which District shall have been previously ascertained by law." Fed. R. Of Crim. P. 18 states the same and is controlling. "Except as otherwise permitted by statute or these rules, the prosecution shall be had in a district in which the offense was committed."

In reading the Second Superseding Indictment, the following offenses was committed outside of the Southern District of Mississippi: Paragraph #77, 78, 79, 83, 84, 85, 86, 87, 88, 89 & 91. Raheem avers all of these offense occurred outside of the District Court's jurisdiction, and therefore, the Court could not proceed on a trial on offense that it lacked venue.

Therefore, Raheem was charged, convicted and sentenced to crimes based on these offenses, and a new trial is warranted.

CONCLUSION

WHEREFORE, the Court should Grant this Amendment Motion to Vacate under 15(c)(1)(c).

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that the foregoing is a true and correct copy that was placed in the prison's mailbox on this 22nd day of March, 2021 to be mailed to the Clerk of Courts, 2012 5th Street, Suite 403 Gulfport, Mississippi 39501.

CERAH

Rasaq Aderaju Raheem

CERTIFICATE OF SERVICE

I also certify that a true and correct copy of the foregoing has been furnished by the Institution legal mail procedure via USPS regular mail to the office of the United States attorney at 1575 20th Avenue, Gulfport, MS 39501 on this 22nd day of March, 2021.

Certified.

RAHEEM . A . RASAQ